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ABSTRACT

Each debate judge's philosophy consists not of one single view of argument, but rather of a theory of argument containing several independent levels of belief. One current issue is the extent to which a judge should impose his or her bias on the participants in a debate round. Judges can impose rules on debates by utilizing those rules to which the debaters agree in a debate round or, when the rules are in dispute, by utilizing the rule that is best defended. While this approach to judging has been called the tabula rasa approach, it should be noted that this does not mean that the judge is a blank slate. The tabula rasa approach emphasizes the desirability of having debate rules evolve from each individual debate instead of being imposed upon a round externally by the judge. Although this approach (1) encourages the development of perspectives for the evaluation of argument, (2) promotes educationally sound goals, and (3) is consistent with the adversary system, it has been argued that it encourages a use of the spread and is internally inconsistent because a judge's bias cannot be totally eliminated. (HOD)

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In Search of Tabula Rasa

Walter Ulrich

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IN SEARCH OF TABULA RASA

There are at least three ways to approach the study of argumentation and debate. The first approach takes the point of view of an arguer and attempts to determine what arguments will help achieve the arguer's goals. The second approach views argument from outside the argumentative situation and attempts to describe what goes on when people engage in argument. The final approach attempts to view argument from the perspective of an individual who evaluates the arguments advanced by advocates in an argument. While all three approaches to argument are interrelated, they each call for a set of perspectives that differ in critical ways. The first approach to argument attempts to discover what arguments are effective; it is directed toward these individuals engaged in the daily activity of arguing. The second approach to argument is directed toward the study of argument in the abstract. The third approach is helpful for those who seek to observe argument and to utilize argument to assist them in reaching a decision. In law, for example, the counterparts would be individuals instructing a lawyer about how to argue; a sociologist describing the nature of a legal system; and a judge attempting to decide how he/she should decide a specific legal case.

In academic debate, there has been an increased emphasis on the third approach to the study of argument. This emphasis has resulted in an increased concern about the proper role of the duge in a debate round.

Given the importance of the judge to the success of the debate activity, this emphasis has been desirable. Not only will an understanding of the way that argument should be judged promote the educational value of debate, but it will also enable us to understand how to evaluate debate outside the academic debate setting.

In order to understand any individual's method of reacting to argument, it is necessary to understand the nature of a judging philosophy. To label a judge as a hypothesis tester, a policy maker, or a stock issues judge is helpful, but it oversimplifies a more complex description of any judging philosophy. Any individual brings into argument several conceptions of the way argument should be resolved. In a sense, each judge's philosophy consists not of one single view of argument, but rather it consists of a theory of argument containing several independent levels of belief.

The first level includes all the values that a judge brings into a round, including such ideas as the value of life, liberty, economic growth, preventing pollution, and so on. The second level includes a judge's view toward the mechanical rules used to evaluate these arguments (such things as a dropped argument should be ignored by the judge, and that the first affirmative rebuttalist must cover the case.) The third level would consist of the judge's view of intra-paradigm issues. This would include the judge's view of the nature of the various

philosophies of debate (for example, would a policy maker consider more than two sets of policies?). The fourth level would be the paradigm that the judge prefers to utilize, other factors being equal. A fifth level would be the judge's standard for paradigm evaluation. This would include the standards utilized by a judge in selecting a judging paradigm.[1] There are probably an infinite number of levels beyond these five levels of a judging philosophy (standard for evaluating standards; standards for evaluating standards for standards, etc.), but as a practical matter, the first five levels of a judge's philosophy are the most relevant for academic debate.

While every judge has certain preconceived notions about the proper characteristics of each level of a judge's philosophy, one current issue is the extent to which a judge should impose his or her bias on the participants in a debate round. There are three potential ways that rules can be imposed upon a debate. The first way would be for an external agency to impose rules on the judges. For example, the AFA could require that all judges be hypothesis testers, or that specific standards of evaluating argument be utilized by judges. Fortunately, except for issues involving the ethics of evidence, these rules have not been advocated or implemented, due in part to our commitment as scholars to the principles of academic freedom.

The second way to impose rules on debate is for a judge to impose his or her views on the debaters. This judge would evaluate the debate using his or her standard for correct argumentation and would cast out arguments not

meeting his/her standard whether or not the other team argues against the position discarded. The third way to impose rules on debates is for the judge to utilize those rules that the debaters agree to in a debate round or, when the rules are in dispute, to utilize the rule that is best defended. While this approach to judging has been called the tabula rasa approach,[2] it should be noted that this does not mean that the judge is a blank slate. The judge obviously must bring in certain preconceptions about argument into any round; rather the judge should be open to argument on all issues and should impose his or her view of argument on the round only when necessary. If there is no theoretical argument, the judge would utilize his/her theoretical system. If there is a theoretical dispute, however, the judge would enter the round only if there was a response by the other team, and then the judge would enter using standards drawn from the next higher level (for example, if there were a dispute about what paradigm to use, the judge would resolve the issue based upon his/her view of how paradigm disputes should be resolved). Tabula rasa is not a judging paradigm; it is an approach to judging that emphasizes the desirability of having debate rules evolved from each individual debate instead of being imposed upon a round externally by the judge. This does not mean that the judge is freed of the responsibility of developing standards for evaluating argument when there is no theoretical argumentation in the round.[3] In addition, there may be a few instances when theory may not be debatable,

such as when a rule is imposed upon the judge from the outside (the AFA code of ethics, for example), or when one team has no opportunity to respond to an argument (such as when the last speaker introduces a new position into the round). The judge would also have to set up standards for when an argument warrants consideration and when an argument has not been developed enough to warrant altering a judging standard.[4] While all of these issues are critical ones, the emphasis of tabula rasa in the majority of the rounds is to emphasize the need for individual debaters to develop standards for the evaluation of argument.

The Justification of Tabula Rasa

There are three reasons why the tabula rasa approach to the evaluating of argument is desirable. First, the tabula rasa approach encourages the development of perspectives for the evaluation of argument. There is a great value in encouraging the development of a diversity of viewpoints about argument. Any history of knowledge would include a large number of instances of viewpoints that at one time were thought to be true that turned out to be invalid, as well as theories that were thought to be invalid which, upon reflection, turned out to be superior to the theories they replaced. Science, for example, can grow only by encouraging the development of new theories that, while they may seem initially to be weak, have the opportunity to prove themselves in the marketplace of ideas. While we should not set standards for argument too low, if we reject any argument that does not meet existing standards for argument, we risk grave consequences:

> With standards set higher, no one satisfying the criterion of rationality would be inclined to try out the new theory, to articulate it in ways which showed its fruitfulness or displayed its accuracy and scope. I doubt that science would survive. What from one viewpoint may seem the looseness and imperfection of choice criteria conceived as rules may, when the same criterial are seen as values, appear an indispensable means of spreading the risk which the introduction or support of novelty always entails.[5]

To force one view of argument upon participants in a round may prevent the development of other ways of looking at argument. This diversity of viewpoints is one of the desirable aspects of debate. To argue that there is only one way to argue (or to evaluate argument) and to ignore all other existing and potential paradagms would deprive students of a wider understanding of argument, just as an introduction to ethics course that taught only one approach to ethics would be viewed with skepticism. Robert Nozick argues:

> There are various philosophical views, mutually incompatable, which cannot be dismissed or simply rejected. Philosophy's output is the basketful of these admissible views, all together. One delimiting strategy would be to modify and shave these views, capturing what is true in each, to make them compatible parts of one new view. While I know of no reason in principle why this cannot be done, neither has anyone yet done it satisfactorily. . . .Some views can be rejected, and the admissible ones remaining will differ in merits and adequacy. . . . Even when one view is clearly best, though, we do not keep only this first-ranked view, rejecting all the others.[6]

Encouraging debaters to argue theory in a round (which obviously cannot be done if the judge is rigid about theoretical issues) would expose debaters to a greater number of theories, as well as encourage them to develop modifications of existing theories,[7] and may even enable critics to discover needed modifications in their own theories of argument.

A second justification of the tabula rasa approach to argumentation is that it promotes educationally sound goals. By requiring that debaters be able to defend argumentation theory we requíre that they understand argument. If we impose one standard of argument on students, they may very well conform to that standard, but they have no reason to learn why that standard exists. Debaters may be taught that affirmative cases must be topical or inherent, but they have no incentive to learn why we have these requirements if the judge will impose these requirements on the debaters whether or not the justification for those requirements are explained by the teams. By requiring that they be able to defend these positions we insure both that they be familiar with the requirements of an advocate and that they know the reasons behind these requirements. To teach a technique without requiring that it be defended does a student a disservice:

> The 'normal' scientist...has been badly taught. He has been taught in a dogmatic spirit: he is a victim of indoctrination. He has learned a technique which can be applied without asking for the reason why....[8]

In addition, by requiring that debaters discover weaknesses in argument and explain those weaknesses before we reject an argument we help train them to argue effectively when they are confronted with weak arguments in real world argument when they will not have a judge who will disregard the weak argument without a response to the argument. By forcing arguments to be evaluated by the arguers, not by the judge we encourage a deeper knowledge of argument.

The final justification of the tabula rasa approach

to judging is that it is consistent with the adversary system. Argument can take place in many forums; in academic debate we choose to use an advocacy forum. This places certain constraints on each participant in the argument:

> The philosophy of adjudication that is expressed in 'the adversary system' is, speaking generally, a philosophy that insists on keeping distinct the function of the advocate, on the one hand, from that of the judge, or that of the judge and jury, on the other. The decision of the case is for the judge, or for the judge and the jury. The decision must be as objective and free from bias as it possibly can.[10]

The judge has a role in the debate distinct from that of the participants. The judge does not enter into the dispute to take a side in the argument and assist one participant in arguing for or against a position, but rather the judge should remain external to the deliberation.[11] To be sure, the judge must enter the deliberation to decide which of the two conflicting arguments is superior, but it is not the role of the judge to ignore arguments that are not refuted. The validity of an argument should not be tested in isolation; rather the only determination of the validity of an argument should be based upon the defense of the argument. Many arguments that may appear to be weak or fallacious at face value can be defended against these charges when an attack is made on the argument. A team should have the opportunity to defend its position against these attacks, and this cannot be done if the judge decides, after the debate, that an argument is inadequate. The judge in this instance becomes an opponent, not a

disinterested observer. In addition, the opponents of the team are rewarded even though they were confronted with a weak argument and were unable to think of anything wrong with it. If one wants to reward good argument, one should equally penalize a team that does not know what is wrong with a bad argument, which in this case whould be both teams.

Attacks on the Tabula Rasa Approach to Judging

While the tabula rasa approach to judging has gained a moderate amount of support in recent years, it has not been without its critics.[12] Two objections are raised with a great deal of frequency. The first objection is that the tubula rasa approach encourages a use of the spread; presumably a prima facia evil. Dowling, for example, argues:

> The prescribed adherence to dropped/unrefuted arguments is fair, but it does nothing to insure that those who argue well are rewarded. Critics are forced to reward those who give scant attention to the core issues of a controversy in order to refute all arguments in a spread, regardless of their quality or relevance.[13]

In a modification of Gresham's law, the argument is advanced that bad arguments will drive out good arguments, and debaters will emphasize the quantity of arguments instead of development a few arguments in depth. There are several problems with this position. First, to blame the tabula rasa approach to judging for the spread seems unjustified. The trend toward the spread was wll under way in the late 1960's, while the tubula rasa approach to judging did not gain large acceptance until the early to mid- 1970's. In addition, there is no logical connection between tabula rasa and spread debate;

indeed, the reverse may be true. If a team knows that all of their arguments will be accepted at face value, they can confidently consolidate issues in rebuttals without worrying that the judge may not like the one or two issues that they select to defend. On the other hand, if the judge will ignore arguments that do not meet his/her standards for argument, a team may be tempted to defend multiple positions in the hope that the judge will find one of them acceptable. In addition, the most potent argument against the spread can be advanced in any debate round judged by a tabula rasa judge. A team confronted with an excessive spread could always argue that the spread is an undesirable debate strategy, and that the other team should be penalized with a loss for introducing the spread into the debate. The debate would then revolve around whether or not the spread is undesirable, whether the effect of the spread is serious enough to justify a loss, and whether or not the spread in this specific round was excessive. Rather than having a judge impose his or her view on the debaters, however, these issues would all be brought out in the open.[14] Even short of this position, both teams have the opportunity to set standards for the evaluation of argument within a round and this could include the minimum amount of development and/or support required for the judge to accept an argument; my only argument is that this should not be imposed by an external agent.

The objection that the tabula rasa appraoch encourages the spread assumes that a judge is the best individual to screen out bad arguments. As previously argued, the only

way to know whether or not an argument is bad is to see it developed and defended. How many times have we seen a judge vote against our team on an argument never made that we had a response to? That hardly promotes our educational objectives, yet the judge may think that his/her objection to the case was an honest one. Only by refraining from entering into the debate until the last minute can impartiality be insured. In addition, the process of debating will screen out bad arguments. Certainly, other factors being equal, teams would rather present 30 good arguments instead of 30 bad arguments. Cooter and Kornhauser note that in law, even without judges, the litigation process will move toward a better legal system through natural evolution (although it will never reach the optimum state).[15] There is no reason to believe students will run bad arguments instead of good arguments simply because the judge is tabula rasa.

The final criticism of tabula rasa is that it is internally inconsistent. It is argued that, if judges are indeed biased, merely telling them to be tabula rasa will not decrease those biases:

> How can we trust the same idiosyncratic judge to evaluate the outcome of those arguments that are argued by both teams through the rebuttals? Surely some individual standards must be applied before the critic can determine which side of these arguments is superior and whether a given argument is a 'voting issue.'[16]

While this criticism has a great deal of validity if the tabula rasa approach was to be imposed upon a judge externally, it loses much of its force when tabual rasa is adopted internally as an approach to judging. The issue facing each judge is, what is the best approach to judging that

I can utilize? In answering that question, one certainly should be aware of their own biases and idiosyncraticies. It may be impossible to eliminate those biases totally. That does not mean, however, that a judge should not attempt to minimize those biases by developing a critical stance that minimizes his/her influence or the debate. Rather than having biases and actively injecting them into a debate round, a tabula rasa judge admits biases and attempts to keep them from affecting his/her decision unless necessary. In short, while a tabula rasa approach does not guarantee fairness, but it is a desirbale condition for fairness.

This goal of objectivity can be found in other fields of argument. In rehtorical criticism, we tell our students that there is no one, best way of examining a speech; rather students should be aware of a variety of ways of looking at a rhetorical action. The critical stance should evolve out of the discourse; it should not be imposed <u>a priori</u> on the discourse by the critic.[17] The issue is what type of critic we want for argument. The most desirable type of critic is one with an open mind; an individual that will accept each individual arguer as his/her equal and will give their arguments the same respect that he/she hopes they will give his/her decision. This involves accepting all arguments at face value (and nothing more) until they are responded to, and to give the advocate a chance to defend his/her point of view. Argument should be a discussion among equals with open minds to ignore arguments just because they do not seem reasonable without allowing

their advocate a chance to defend them against an attack seems to undermine the whole purpose of testing ideas in an open forum.

NOTES

[1]See Robin Rowland, "Standards for Paradigm Evaluation," Journal of the American Forensic Association, (in press).

[2]Walter Ulrich, "Tabula Rasa as an Approach to the Judging of Debate," paper presented at the Speech Communication Association Convention, Minneapolis, November 4, 1978.

[3]Ulrich, pp. 13-15. For a more detailed development of a judging philosophy consistent with many of the assumptions of tabula rasa, see Ken Strange, "An Advocacy Paradigm of Debate," paper presented at the Speech Communication Association Convention, Anaheim, November, 1981.

[4]This standard in academic debate, however, should probably be set fairly low (e.g., to require that some reason be given, but with low standards for the acceptability of the reason).

[5]Thomas S. Kuhn, The Essential Tension (Chicago: University of Chicago Press, 1977), p. 332.

[6]Robert Nizick, Philosophical Explanations (Cambridge, Mass.: Harvard University Press, 1981), quoted in Alasdair MacIntyre, "Pluralistic Philosophy," New York Times Book Review, September 20, 1981, p. 34.

[7]Merely having a variety of judging philosophies does not guarantee that a student is exposed to all viewpoints. There are relatively few hypothesis testers, but since we allow debate theory to be debated more students are exposed to this theory than the small number who are judged by hypothesis testers.

[8]K. R. Popper, "Normal Science and Its Dangers," in Criticism and the Growth of Knowledge, edited by Irme Lakatos and Alan Musgrave (New York: Cambridge University Press, 1970), p. 53

[9]Nicholas Capaldi, The Art of Deception (New York: Donald W. Brown, Inc., 1971), pp. 12-13.

[10]Lon L. Fuller, "The Adversary System," in Talks on American Law, edited by Harold J. Berman (New York: Vintage Books, 1971), p. 34.

[11]Bill Henderson, "Debate as a Paradigm for Demonstrating Truth Through Hypothesis Testing," in Advanced Debate: Readings in Theory, Practice, and Teaching, end. ed., edited by David Thomas (Skokie, Illinois: National Textbook Company, 1979), p. 420.

[12]See, for example, Ralph E. Dowling, "Debate as Game, Educational Took, and Argument: An Evaluation of Theory and

Rules," Journal of the American Forensic Association. XVII (Spring, 1981), 234-241.

[13]Ibid., p. 235.

[14]See Lane Bearden and Walter Ulrich, "Bad Theory as a Voting Issue," unpublished paper, University of Alabama, 1981.

[15]Robert Cooter and Lewis Kornhauser, "Can Litigation Improve the Law Without the Help of Judges?" Journal of Legal Studies, IX (January, 1980), 139-164.

[16]Dowling, p. 236.

[17]Karlyn Kohrs Campbell, Critiques of Contemporary Rhetoric (Belmont, California: Wadsworth Publishing Company, 1972), p. 22.